REMARKS

This is a full and timely response to the Office Action mailed April 02, 2008, submitted concurrently with a one month extension of time to extend the due date for response to August 4, 2008.

By this Amendment, claim 1 has been amended to more particularly define the present invention. Further, new claim 21 has been added to further protect a specific embodiment of the present invention. Thus, claims 1-21 are currently pending in this application. Support for the claim amendments and new claim can be readily found variously throughout the specification and the original claims, see, in particular, page 10, line 23, to page 11, line 11, of the specification (or see paragraph [0044] of the present patent application publication 2004-0093252).

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejection under 35 U.S.C. §101

Claims 1-20 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

The Examiner believes that although the present claims are directed to an examination scheduling program, it does not recite the program being embodied on any medium or data structure. Thus, in the interest of expediting the prosecution of the present application, Applicant has amended claim 1 to recite *"An examination scheduling program for a nuclear medical examination apparatus having computer executable instructions stored in computer memory for causing a computer to create a schedule . . ."* which Applicant believes overcomes the Examiners concerns.

Thus, in view of the amendments to claim 1, withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 1-20 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kameda et al. (U.S. Patent No. 5,923,018). Applicant respectfully traverses this rejection.

To constitute anticipation of the claimed invention under U.S. practice, the prior art reference <u>must literally or inherently teach</u> each and every limitation of the claims. Here, in this case, Kameda et al. fails to teach or suggest all of the limitations of the claims with particular emphasis on the limitations "*said program causing said computer to perform: a function for fetching information on contents of the examination and an order of examination for each patient*", "*a function for fetching a waiting time from the medication to the examination set according to a type of examination*" and "*a function for creating an examination schedule to avoid overlapping in time between timing of the medication and the examination for each patient and timing of medication and examination for other patients, based on said information on contents of the examination and an order of examination and the waiting time*".

Applicant has amended the claims to more specifically highlight the important distinctions between the program of Kameda et al. and that of the present invention.

This present invention is directed to scheduling for a nuclear medical examination apparatus from medication to examination. The present invention avoids overlapping in time between timing of medication and examination for each patient and timing of medication and examination for other patients, based on information fetched. In the present invention, **it is the program itself** which creates and adjust the examination schedule <u>to avoid overlap in time of timing of the medication and the examinations</u> according to said fetching information (on said contents of the examination and said order of examinations), <u>while maintaining fixed a waiting time</u> from the medication to the examination set for each patient according to a type of examination (see paragraphs [0056], [0059], and [0069]-[0072] of the present patent application publication). In other words, based on the fetching information and changes in said information (see claims 17-20), the claimed computer program computes the examination schedule and adjustments thereto to maximize efficient use of the nuclear medical examination apparatus and to prevent errors in examination (see Description of the Related Art section of the present specification)

In contrast, the program of Kameda et al. is only a centralize database program containing patient medical information and examination and treatment schedules <u>which are inputted, added, changed, modified or deleted by the operators of the database program</u> (see column 4, lines 1-7, 13-18, 29-34 and 49-56, of Kameda et al.). Kameda et al. merely discloses an operator creating a plan by carrying out inputs, changes, deletions, etc. <u>while looking at a displayed table</u>. In other words, the database program of Kamada et al. only stores, organizes and displays the information and schedules <u>inputted by operators</u> and does not create <u>thru computation</u> the examination schedule <u>to avoid overlap in time of timing of the medication and the examinations</u> according to said fetching information <u>while maintaining fixed a waiting time</u> from the medication to the examination set for each patient according to a type of examination. As stated in the title of the patent and the preamble of the claims, Kameda et al. only disclose a *"medical care schedule and record aiding system"*. Hence, Applicant believes that the features of the present invention are not at all disclosed in Kameda et al.

In column 10, lines 40-65, of Kameda et al. noted by the Examiner, Kameda et al. only teaches how the patient medical information and examination and treatment schedules <u>are displayed</u> from the database via frame definition files and cell definition files. Within this paragraph, it is stated that *"[T]he frame definition data define a frame of a schedule table, in which medical care actions of various types (e.g. a test, a treatment, an injection, an examination, an evaluation, a medication) are arranged for each of predetermined categories and for at least each date (or a time unit shorter than date such as an hour, a minute) related to the performance of respective one of the medical care actions"*. It is also stated within this paragraph that *"[T]he cell definition data include: positional data indicating a line and a column of each cell; a medical care category code corresponding to each cell . . .; and text data indicating text to be displayed within each cell"*. Thus, contrary to the Examiner conclusions on the top of page 4 of the action, column 10, lines 50-65, of Kameda et al. does not teach the examination schedule creation step of the present invention which creates <u>thru computation</u> the examination schedule.

It should be noted that Kameda et al. defines (1) the "frame definition data" as *"data which are required to define the frame such as a <u>size</u> of the frame, <u>an item name</u> of the frame, a <u>font</u> for use in the display, <u>a size</u> of the font, text data indicating a text of comment and so on"* (see

column 10, line 67, to column 11, line 3, of Kameda et al.), and (2) the "cell definition data" as *"data which are necessary to define the content to be displayed within each cell such as positional data indicating the <u>line and column</u> of each cell, the medical care category code corresponding to each cell, the text data indicating the comment in text to be displayed within each cell, the rule data to rule or prescribe <u>how to display</u> the text data within each cell and so on"* (see column 11, lines 37-44, of Kameda et al.). Thus, these teachings in Kameda et al. further support that Kameda et al. does not teach the examination schedule creation step of the present invention.

Applicant notes that the Examiner is very likely interpreting the examination schedule creation step of the present claims as covering a program which fetches medical information and examination and treatment schedules <u>inputted by operators</u> for display on the display unit. Thus, despite these clear differences between the present invention and Kameda et al. Applicant has amended the claims to more specifically define that the examination schedule is created and adjusted through computation by the computer.

With regard to the Examiner's rejection of claims 3 and 4 based on Figures 4-7 and 9 of Kameda et al., Applicant disagrees with the Examiner in this regard since the noted Figures do not show a line representing present time displayed to move on the time chart with the progress of time as shown in Figure 10 of the drawings.

With regard to the Examiner's rejection of claims 5-8 based on column 12, lines 56-59, of Kameda et al., Applicant again disagrees with the Examiner in this regard since the noted passage only discloses an input device but does not show the use of such device to alter the examination schedule by <u>moving the pattern</u> on the time chart as shown in Figure 9A and 9B of the drawings.
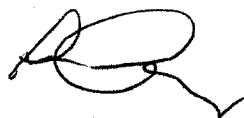
With regard to the Examiner's rejection of claims 17-20 based on Figure 5 and column 17, lines 1-29, of Kameda et al., Applicant disagrees with the Examiner in this regard since, for the reasons noted above, Kameda et al. does not teach a step in which the computer program recreates the examination schedule all over again <u>via computation</u> due to a difference between the actual and schedule medication time.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: August 4, 2008   Respectfully submitted,

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